

Appl. No. 10/669,112
Atty. Docket No. CM2348C
Amdt. dated July 20, 2004
Reply to Office Action of April 28, 2004
Customer No. 27752

REMARKS/ARGUMENTS

Claims 2-4 and 9-12 have been cancelled. Claims 1, 5-8 and 13-30 are now in the case.

Claim 1 has been amended to recite the elements relating to the tap, as recited in Claim 22. Claims 5-8 have been amended to remove various redundancies, as have Claims 13-18. It is submitted that all amendments are fully supported and entry is requested.

Objections to Drawings

The drawings have been objected to in the following aspects (Office Action, page 2): The container having more than two compartments; the container made of a bag etc.; the cover for vent; non-removable cover for vent; and compartments of equal size.

By the foregoing amendments, these elements no longer appear in the claims. Withdrawal of the objections is requested.

Rejection Under 35 USC 112

It is submitted that the rejection of Claim 11 (Office Action, page 2) has been obviated by the cancellation of that claim.

Allowed Claims

Claims 19-30 have been allowed (Office Action, page 4).

Rejection Under 35 USC 102

Claims 1, 3, 5, 7-9, 12 and 14-15 stand rejected over U.S. 3,851,800 ('800), for reasons of record at page 3 of the Office Action.

Applicants respectfully traverse the rejections on this basis.

Claim 1, and all claims ultimately depending therefrom, relate to a container plus specified tap. The description of the tap has now been amended to comport with allowed Claim 22.

In contrast with the present invention, the '800 document relates to a liquid dispenser which is assertedly operable, (i.e., pourable) by means of gravity, due to the relationship of the

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discharge orifice and the air venting tube system (see '800 Abstract; Fig. 2; and Col. 2, Lines 4-20.)

Since '800 does not teach the container-plus-tap of the present invention, it is submitted that the claims herein fully meet the requirements of § 102 over this document. Reconsideration and withdrawal of the rejections on this basis are requested.

Rejection Under 35 USC 103

Claims 2, 4, 13 and 16-18 stand rejected over '800, for reasons of record at pages 3-4 of the Office Action.

Applicants respectfully traverse the rejections on this basis.

The foregoing discussion regarding the '800 document continues to apply to this grounds of rejection.

It is noted that the rejections under § 103 pertain to various aspects of the container. However, the claims under consideration all relate back to Claim 1, which recites the container-plus-tap, which is nowhere taught or suggested in '800.

Indeed, it is submitted that to incorporate a tap onto the container of '800 would entirely change its mode of operation. This is not allowed when making a rejection under § 103; see MPEP 2143.01.

Moreover, since the "tap" Claim 22 has already been allowed, it is submitted that Claim 1 (i.e., container-plus-tap) should also be allowed, as a matter of both law and logic

In light of the foregoing, reconsideration and withdrawal of the rejections over '800 are requested.

Claim 6 stands rejected over '800 in view of U.S. 6,470,910, for reasons of record at page 3 of the Office Action.

Applicants respectfully traverse the rejection on this basis.

The foregoing comments relating to '800 continue to apply to this grounds of rejection.

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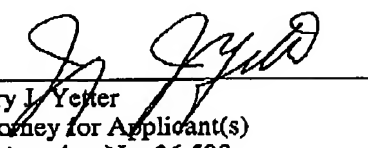
'910 relates to a tap device which, assertedly, allows air to flow into a container simultaneously with dispensing a liquid therefrom. (Col. 1, lines 58-62). This is achieved as disclosed at Col. 1, lines 51-57. A push button (Col. 1, Line 56) operates the tap.

It is submitted that the tap device of '910 in no way teaches or suggests a tap of the present type which functions to provide flow of product from separate compartments in a multi-compartment container.

Moreover, it is submitted that '910 is not properly combinable with '800 under MPEP 2143.01. As noted above, to add the tap of '901 to the container of '800 would entirely change the mode of operation of the '800 container. Reconsideration and withdrawal of the rejection on this basis are requested.

In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,
Anne-Gaelle Leray, et al.

By 
Jerry L. Yetter
Attorney for Applicant(s)
Registration No. 26,598
(513) 627-2996

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